

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH WOODS,

Petitioner,

-v-

9:19-CV-1374

TERESA TYNON,

Respondent.

APPEARANCES:

OF COUNSEL:

JOSEPH WOODS

Petitioner, Pro Se

15-A-2130

Wallkill Correctional Facility

Box G

Wallkill, NY 12589

HON. LETITIA JAMES

New York State Attorney General

Attorneys for Respondent

28 Liberty Street

New York, NY 10005

JODI A. DANZIG, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On November 6, 2019, *pro se* petitioner Joseph Woods (“petitioner”) filed this petition for habeas corpus relief under 28 U.S.C. § 2254. Dkt. No. 1.

Along with his petition, he also sought leave to proceed *in forma pauperis*

(“IFP Application”). Dkt. No. 2. After an initial review, petitioner’s IFP Application was granted and respondent Teresa Tynon, the Superintendent of the Correctional Facility (“respondent”), was instructed to respond to petitioner’s request for relief. Dkt. No. 4. Thereafter, respondent filed the relevant state court records, Dkt. Nos. 8–9, and opposed the petition, Dkt. No. 6. The motion was eventually fully briefed. *See, e.g.*, Dkt. No. 19.

On October 27, 2022, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation (“R&R”) that the petition be denied and dismissed. Dkt. No. 24. As Judge Dancks explained, the petition was untimely and could not be rescued by the application of statutory or equitable tolling principles. *Id.* Judge Dancks concluded that the other equitable exceptions to timeliness were also inapplicable. *Id.*

Petitioner has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 24. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

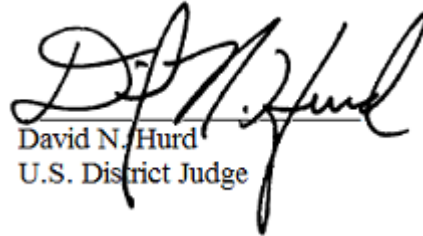
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The petition is DENIED and DISMISSED;
3. No Certificate of Appealability shall issue; and

4. Any further request for a Certificate of Appealability must be addressed to the Court of Appeals in accordance with Rule 22(b) of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.



David N. Hurd
U.S. District Judge

Dated: November 15, 2022
Utica, New York.